

FILED*07 DEC 25 13:07USDC-ORH

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

PATRICIA J. PEARSON,)	
)	Civ. No. 06-1521-CL
Plaintiff,)	
)	
v.)	
)	
MICHAEL J. ASTRUE,)	ORDER
Commissioner, Social Security,)	
)	
Defendant.)	
_____)	

PANNER, District Judge:

Magistrate Judge Mark D. Clarke filed Findings and Recommendation, and the matter is now before this court. See 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b). When either party objects to any portion of a Magistrate Judge's Findings and Recommendation, the district court must make a de novo determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1)(C); McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F. 2d 1309, 1313 (9th Cir. 1981).

Here, plaintiff objects to the Findings and Recommendation. Plaintiff "asks that the reviewing judge please read and consider

her Opening and Reply Briefs, in addition to these Objections. It does not seem that the Magistrate did."

The Findings and Recommendation shows that the Magistrate Judge carefully reviewed the administrative record and the parties' briefs. The Magistrate Judge rejected several of the ALJ's findings, while concluding that the ALJ's ultimate conclusion on disability was supported by substantial evidence in the record. As the Magistrate Judge noted, an ALJ's rational interpretation of a claimant's daily activities must be upheld even if the evidence is susceptible to another interpretation more favorable to the claimant. Findings and Recommendation at 8 (citing Burch v. Barnhart, 400 F.3d 676, 680-81 (9th Cir. 2005) (further citation omitted)).

On de novo review, I find no error. Accordingly, I ADOPT the Findings and Recommendation of Magistrate Judge Clarke.

CONCLUSION

Plaintiff's motion to strike appeal (#30) is granted. Magistrate Judge Clarke's Findings and Recommendation (#28) is adopted. The Commissioner's decision is affirmed.

IT IS SO ORDERED.

DATED this 27 day of December, 2007.

A handwritten signature in black ink, appearing to read "Owen M. Panner", written over a horizontal line.

OWEN M. PANNER
U.S. DISTRICT JUDGE